

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
December 15, 2011**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
	Brian Rex	Councilmember-Elect
	Mark Thompson	Councilmember-Elect

ALSO PRESENT:	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Tyler Pugsley	Public Works Acting Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police

Mayor Fife called the meeting to order. The Reverence Period was given by Steven Blanchard, Second Counselor in the Brigham City 4<sup>th</sup> Ward. The Pledge of Allegiance was recited.

**Approval of Minutes:** Councilmember Marabella made a motion to approve the minutes of the November 17, 2011 Council meeting as distributed, seconded and carried.

**PRESENTATIONS**

Presentation of Jim Davis Award to JeuneElle Jeffries

**PUBLIC COMMENT**

**CONSENT**

Request for Approval of Mutual Aid Agreements between Brigham City and Corinne City, Tremonton, Central Box Elder Fire District, Mantua and Willard

Request for Approval of an Automatic Aid Agreement with Tremonton, Willard, Mantua, Central Box Elder Fire District and Corinne Fire Departments

New Hire, Public Power Department

Request for Approval of Claims Review Committee

Request for Approval of 2012 Meeting Schedule

Request to Schedule a Special Meeting for January 3, 2012 at 12:00 Noon to Administer the Oaths of Office to Newly Elected Councilmembers

Acquisition of a Water Utility Easement from Mountain View Trout Farm, LCC

Request to Remove Accounts Due to Bankruptcy or Being Sent to Collections

**SCHEDULED DELEGATION**

Entrepreneur Funnel Proposal – Box Elder Economic Development Alliance

**NEW BUSINESS**

Request to Expend \$110,293 in Disaster Funds from the Federal Emergency Management Agency to Cover Damages from the Spring 2011 Flood

Request to Expend \$245,000 in 2011 Homeland Security Grant Funding and Increase Emergency Services Budget by Like Amount

Request to Adjust Fire Division Wages

Request to Extend the Purchase Contract with Horizon Development

Request for Approval of Resolution Amending the Procedures for Collection of Delinquent Utility Accounts and Disconnection of Services

Presentation of 2011 Audit

**OTHER BUSINESS**

## **PUBLIC COMMENT**

Kris Powers – Ms. Powers wanted to publicly thank Councilmember Marabella and Councilmember Christensen for everything they have contributed to the City. They have contributed a significant amount to the community. It has not always been easy; there have been a lot of trials and tribulations in the last few years. However, they have always handled themselves with dignity. She expressed appreciation to them for everything they have done.

## **PRESENTATIONS**

### **Presentation of Jim Davis Extraordinary Service Award to JeuneElle Jeffries**

Mayor Fife recognized Jim Davis' daughter, Lori Gardner, and her husband in the audience. This year's award was presented to JeuneElle Jeffries, Director of the Boys and Girls Club. She was nominated by two different people, Monica Holdaway, Director of Executive Director of the Chamber of Commerce, and Jill Rasmussen, USU Director of Student Services.

Ms. Jeffries has cared for the youth of Brigham City for the past six years and always strives to make the Brigham City Boys and Girls Club a leader in the state. She also ensures that the Brigham Club offers the programs and staff that will ensure the best for our youth. Children at the Boys and Girls Club learn social skills, education and new hobbies while there, which gives working mothers the peace of mind that their children have been watched over and taken care of after school.

As Director of the Club, she has done a marvelous job in helping support, encourage, mentor and involve the youth in the community. She seems to do this naturally in all aspects of her life.

Ms. Jeffries has served as Director of the Chamber of Commerce Board for the past five years. As a board member, she has served on the Events and Fundraising Committee and has chaired this committee. This is a very active committee and is involved in the four movies in the park, the End of Summer Bash concert, the Chamber's golf tournament, bringing Santa to town, the Shop at Home Christmas promotion and the annual Banquet. She is one of the first people at these events and is always one of the last to leave. She has a no-nonsense attitude and executes events as planned. She is always willing to try new ideas and make tough decisions. A few years ago the Chamber decided to no longer hold the Boofest on Main Street. When the idea of a Pumpkin Walk Festival was brought up to replace it, no one knew who would organize the event. Once again, Ms. Jeffries stepped up and chose to have the Boys and Girls Club take ownership of this community event.

Ms. Jeffries was the Chairperson of three separate committees for the 2010 Peach Days celebration. For the past few years the Boys and Girls Club, with leadership from Ms. Jeffries, has organized and implemented the Free Children's Activity that happens on Friday night of Peach Days. This event usually has over 1,000 kids participate. She has also organized the motorcycle show for Peach Days, not only continuing the tradition of being a fun part of Peach Days but utilizing the event to raise funds for the local Boys and Girls Club. At the 2011 Peach Days, she organized the Junior Parade when they didn't have a Chairperson. The Chamber Board knew they could give this assignment to her and she would be able to work with the schools and the children to have a successful Junior Parade.

Ms. Jeffries has been a member of the Kiwanis Club for the past five years and has served on the Kiwanis Board where she has helped organize the community's Easter egg hunt, the fruit display at Peach Days and free photos with Santa during the holiday season. In addition, she has helped to engage the Box Elder High School Key Club in activities and service in the community.

Ms. Jeffries has been a leader in taking a bite out of crime and helps the Police Department organize and run the annual Night Out Against Crime event.

These are just a few of the community organizations Ms. Jeffries is involved in. She is willing to help other organizations write grants and lend her expertise in non-profit management to the many other non-profit organizations in Brigham City. She is a true citizen that leads by example in her service, by leading the youth in the community and also being active in callings in her church. When she meets a new person

she tells them about the community and is constantly recruiting them to do more. She is one who exemplifies the service legacy that Jim Davis began.

Mayor Fife presented her with a monogrammed clock recognizing her as the recipient of the Jim Davis Extraordinary Service Award recipient for 2011.

Ms. Jeffries stated that she is humbled by this award. Brigham City has thousands of people who donate their time every year. She has never helped at an event where there has not been other people helping as well. Brigham City is a place where people still care, still give back, and people still show up. She has worked in other communities and this is rare.

#### **Recognition of Councilmember Marabella and Councilmember Christensen**

Mayor Fife also recognized Councilmember Marabella and Councilmember Christensen for their service over the last four years and presented them with a plaque.

Councilmember Christensen said serving on the Council has been a good experience. There have been some decisions that the Council made that they would like to have over; but they made a lot of them that were very forward thinking and progressive and brought Brigham City to where it is in an excellent position. He is proud to be a Brigham City citizen. He expressed appreciation to the citizen support he has received and the support of the Council and Mayor Fife and Mayor Christensen. He expressed appreciation to his family while he has served.

Councilmember Marabella expressed appreciation to his wife and his daughter. Serving on the Council takes a tremendous amount of time away from families. He moved to this community 11 years ago. After being in Brigham City for one year, someone suggested he run for Council. Another person said he would never be elected; he was an outsider. Over the last ten years he has served eight years. It has been a fantastic experience. He added that it is tough. When he looks back, he said he made very independent decisions; sometimes people liked that and sometimes they did not. But he has enjoyed the experience and appreciated the support.

### **CONSENT**

#### **Request for Approval of Mutual Aid Agreements between Brigham City and Corinne City, Tremonton, Central Box Elder Fire District, Mantua and Willard**

Mutual Aid Agreements with the mentioned cities were presented for approval.

#### **Request for Approval of an Automatic Aid Agreement with Tremonton, Willard, Mantua, Central Box Elder Fire District and Corinne Fire Departments**

It was recommended the Automatic Aid Agreements with the mentioned cities be approved.

#### **New Hire, Public Power Department**

It was recommended Josh Mann be hired as an Electric Line Worker, effective December 19, 2011.

#### **Request for Approval of Claims Review Committee**

The Claim Review Committee for 2012 and 2013 were recommended for approval.

#### **Request for Approval of 2012 Meeting Schedule**

It was recommended the attached meeting schedule of the City's boards and commissions be approved and published in the Box Elder News Journal.

#### **Request to Schedule a Special Meeting for January 3, 2012 at 12:00 Noon to Administer the Oaths of Office to Newly Elected Councilmembers**

#### **Acquisition of a Water Utility Easement from Mountain View Trout Farm, LCC**

It was requested the Council authorize the purchase of an easement for \$55,000 for a waterline from 90 North through the Ravenberg property to Kotter Subdivision. This will be funded through the Procter and Gamble culinary water bond.

**Request to Remove Accounts Due to Bankruptcy or Being Sent to Collections**

A list of accounts in the amount of \$4,841.37 was presented to be removed from the City's computer system.

**MOTION:** Councilmember Jensen made a motion to approve the Consent Agenda, seconded and carried.

**NEW BUSINESS**

**Request to Expend \$110,293 in Disaster Funds from the Federal Emergency Management Agency to Cover Damages from the Spring 2011 Flood**

Mr. Buchanan came forward and explained that this is reimbursement from the federal government for the flood that occurred in Brigham City in the spring. This will allow the City to do the following projects and repairs:

- Mantua diversion structure (debris removal and crack repairs)
- Mayor's Pond area (debris removal and spillway stabilization)
- Bridge at 1200 West 600 North (debris removal)
- Mantua north gun range (debris removal)

Mayor Fife added that the City was also reimbursed for volunteer hours and overtime hours. This amounted to \$22,760.

**MOTION:** Councilmember Ericson made a motion to give the Emergency Management Director authorization to spend the money in disaster funds from FEMA to cover damages due to the spring runoff. The motion was seconded by Councilmember Christensen and unanimously carried.

**Request to Expend \$245,000 in 2011 Homeland Security Grant Funding and Increase Emergency Services Budget by Like Amount**

Mr. Buchanan explained that after 9/11 the State of Utah divided the state into Homeland Security Regions. Brigham City belongs to the Northern Region. The financial responsibility is rotated within the region; this year is Brigham City's turn. There is \$245,000 available this year. The money will go toward the following projects:

- |  |          |
|--|----------|
| • Hazardous Materials Equipment Maintenance    | \$60,000 |
| • Urban Search and Rescue Equipment            | \$90,000 |
| • Hazardous Materials Mobile Lab Maintenance   | \$10,000 |
| • Communication Equipment for Fire Departments | \$85,000 |

Of these projects, Brigham City will receive \$100,000 worth of services and equipment. There is no match required.

**MOTION:** Councilmember Christensen made a motion to authorize the expenditure of the \$245,000 in the 2011 Homeland Security Grant funding and increase the Emergency Services budget by like amount, seconded by Councilmember Jensen and unanimously carried.

**Request to Adjust Fire Division Wages**

Mr. Buchanan stated that in June the City started reorganizing the Fire Division. There were 50 members, there are currently 33. They have created three platoons with 13 members on a shift. Beginning January 4, 2012, there will be one platoon on call from 6:00 PM to 6:00 AM. This reduces the manpower that will show up for minimal or non-life threatening calls.

As part of the reorganization and reduction in staff, the City has seen a savings in health care, wages and training. This will continue through the 2011-2012 budget. The Division is reducing the number of response crew personnel. New members will no longer receive benefits. Several new members have already been fire fighter certified, which reduces the cost for training.

Three captain positions have been established. One of the captains will be available on each of the shifts. However, there is a need for a backup for these captains. It was recommended the position of advanced firefighter be approved. This will allow the captains to have time off and allow a second supervisor to oversee the shifts.

It was also recommended that the position of engineer be created. The City owns \$1.7M worth of equipment as well as a \$900,000 aerial platform truck. The engineers will have one responsibility when responding to a call – operating the apparatus safely, assuring it is returned to its status when the call is complete, and ensuring maintenance through fleet management is accomplished properly. These engineers will receive additional training through the Fire Academy and will be certified as operators. They would also certify as firefighters.

Mr. Buchanan recommended a \$1.00/hour increase in the firefighters' salary when they are on call from 6:00 PM to 6:00 AM. He estimated this will be \$15,330 in the 2011-12 budget. Since the fourth quarter of the 2010-11 budget and the first quarter of the 2011-12 budget, they have saved \$75,000 in health care costs and salaries.

**MOTION:** Councilmember Vincent made a motion to approve the adjustments to the fireman's wages as presented, seconded by Councilmember Jensen. Councilmember Christensen asked how many total fireman there will be after all the hiring has been done. Mr. Buchanan replied 39, which would be 13 per platoon. The motion unanimously carried.

#### **Request to Extend the Purchase Contract with Horizon Development**

Kirk Peterson and Mark Adams from Horizon Development came forward. Mr. Peterson gave the Council an update on Phase II of Cottonwood Grove. All the buildings are constructed and will be ready for occupancy in a few days. The community center is currently under construction.

The financing packages for this development come from tax credits. In the past year, the allocating agency determined that Box Elder and Iron Counties were receiving too many tax credits; therefore, they will not be allowed to continue with Phase III. They will not be able to apply again for a year.

Horizon Development currently has \$10,000 in earnest money with the City which gives them the ability to purchase the third and final phase up until February 2012. Mr. Peterson said they would like to extend this, and rather than it be earnest money that it be an option, or hard money. If the recovery does not occur, the City would keep the \$10,000. They are going to work diligently to get the moratorium lifted.

Councilmember Marabella asked if they could get financing somewhere else. Mr. Peterson said they could, but that is not what they do. Councilmember Marabella said Horizon Development is competing with all the property owners that do not get tax credits and do not have low income housing. Horizon could build at regular prices and charge what the rest of the community can charge for property. This makes it an equal playing field. Mr. Peterson explained that they specialize in affordable housing. They serve those at 45% of median income and lower.

Councilmember Ericson said the City approved the project as a whole. Everything the City has asked Horizon Development to do, they have done. They have been very accommodating.

Councilmember Marabella suggested denying the extension and putting the property up for sale. Mayor Fife said he did not know if anyone else would want to purchase the property and build next to their development. The price the City received for the property was very reasonable.

Councilmember Jensen felt that this is unfair competition because they are subsidized by tax credits. There is a lot of concern throughout the community about this project.

Mr. Peterson said they want to finish this project. They have offered a fair price, maybe even a premium, for the property.

**MOTION:** Councilmember Ericson made a motion to extend the agreement until February 2014 with the \$10,000 option and it becomes hard money. The motion was seconded by Councilmember Christensen. The motion carried with the following 3-2 vote in favor.

AYE: Councilmember Christensen  
Councilmember Ericson  
Councilmember Vincent

NAY: Councilmember Jensen  
Councilmember Marabella

**Request for Approval of Resolution Amending the Procedures for Collection of Delinquent Utility Accounts and Disconnection of Services**

Mr. Roberts explained that this resolution will shorten the time to collect on utility bills. Currently, after the meters are read it takes seven days to get the bills out. The customer has 20 days to pay the bill without incurring any penalties. After the 20 days the customer currently has 30 days before a shut-off notice is mailed. The shut-off notice allows 14 days before the electric service is disconnected.

The proposed policy allows only ten days to pay the bill before they receive a shut-off notice and ten days before the electric service is shut off.

Mr. Roberts said the resolution has a 3:00 PM deadline on the tenth day after shut off notices are mailed. However, there have been some adjustments in staff scheduling and it is felt payments can be received until 5:00 on the tenth day, which is what is currently being done.

Councilmember Christensen asked if it is possible to cut the time down for preparing the bills after the meter is read. Mr. Roberts explained that there are some manual steps being done to review the bills. In addition there are approximately 6,000 bills, along with inserts, so printing and mailing the bills take some time. It usually takes 2-3 days to review the bills and 2-3 days to prepare them to mail out. There was a discussion on whether some of the processes could be automated. Mr. Roberts will look into this further.

Mayor Fife expressed concern about the \$200 after hours reconnect fee for commercial customers. It takes the same amount of time for commercial as it does residential. They should be comparable. Mr. Burnett said it depends on the meter. If it is an instrument rated commercial it might take longer. Councilmember Christensen suggested it be \$100 instead of \$200. Councilmember Ericson said if a business's monthly bill is significantly higher than residential, there should be some kind of penalty and \$150 is not going to make a difference if their bill is \$1,000. Councilmember Marabella said they are already being punished by having a higher rate.

Mayor Fife recommended the reconnection fees remain the same (\$50 for residential, \$200 for commercial) during regular business hours and change the reconnect fee after hours to an additional \$50 for both.

Mr. Roberts clarified that this will not be implemented until March 1, 2012.

**MOTION:** Councilmember Ericson made a motion to accept the Billing Department's request as presented with the change for after hour reconnection fees from \$100 to \$50 for residential and commercial customers, as well as the change in the deadline from 3:00 to 5:00. The motion was seconded by Councilmember Christensen and carried unanimously.

**Presentation of 2011 Audit**

Mr. Roberts gave a presentation on the 2011 audit (see attached).

Dave Ahlstrom and Dave Rodgers from Davis & Bott came forward. Mr. Ahlstrom said they have given Brigham City a clean opinion – the statements are materially correct.

Mr. Ahlstrom reviewed the Management Report.

### Significant Deficiencies

Prior auditors found some journal entries that did not show any support that they were approved and missing backup documentation. Some entries were made in error.

When they tested this year, they found that the journal entries had backup and had been approved; however, some were still incorrect. One of the concerns is having someone with enough knowledge about the accounting records to approve the journal entries. Another is to look at the entries to verify that the balances are where they should be with the adjustment.

### Material Weaknesses

The financial statements the auditors were provided had a few material errors. On the Cash Flow Statement, there was an amount on some lines that has to do with operating cash that were put in the wrong line. The two lines each had a difference of \$5 million that offset each other, so the total was correct, but the two lines were off. There was also a place in the Statement of Net Assets where the footing across was not correct.

Mr. Ahlstrom recommended the financial statements be prepared earlier in the audit process. They originally recommended they be completed in October, but Mr. Roberts said it could be no later than mid-November.

### Utah State Legal Compliance Findings

Mr. Rogers discussed the Utah State legal compliance. Last year there were three funds that were over budget; this year there are two, the Senior Citizens and RDA #1. This is a continuing struggle as the budget is completed at the end of the year. They recommended the City monitor expenditures and make necessary budgetary changes when appropriate.

Utah Code states that any payment on a contract with a private contractor for work on a Class B or C road is retained or withheld, has to be put in a separate interest-bearing checking account. This was not done.

If a check written to a vendor has not been cashed within a year, it has to be reviewed to verify whether it is still owed or if it can be paid back to the vendor. If not, it has to be submitted to the State Treasurer's Office as unclaimed property. The amount of outstanding checks found is small, approximately \$4,000, but it is the law. Mr. Roberts added that they make every effort to contact the vendors but was not successful.

Another finding was in the fund balances with deficits. Last year there were five; this year there are four: RDA #1, RDA West Forest, EDA X-20, and EDA Northwest. Mayor Fife explained that this is a continuing finding because it cannot be changed. Mr. Rogers said it will be 13 years before the EDA-Northwest will have a positive balance. This will continue to be a finding.

The meeting adjourned at 9:26 PM.